

## DEPARTMENT OF THE ARMY PERMIT

**Permittee:** Campbell's Lodge, Inc.. Post Office Box 289, Chelan, Washington 98816

**Permit No:** NWS 2007 447 CRC

**Issuing Office:** Seattle District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers (Corps) having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:** Place 150 cubic yards of riprap on 600 linear feet of existing riprap bank stabilization and existing breakwater; excavate 60 cubic yards of sand from a marina boat basin; place 60 cubic yards of excavated sand on swimming beach; place an additional 90 cubic yards of sand in swimming beach area; and place 600 square feet of large woody debris structures as mitigation in accordance with the plans and drawings dated August 2007 attached hereto which are incorporated in and made a part of this permit.

**Project Location:** In Lake Chelan, at Chelan, Chelan County, Washington.

### Permit Conditions:

#### *General Conditions:*

1. The time limit for completing the work authorized ends on MAR 14 2011. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in accordance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification to this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

7. After a detailed and careful review of all the conditions contained in this permit, the permittee acknowledges that, although said conditions were required by the Corps, nonetheless the permittee agreed to those conditions voluntarily to facilitate issuance of the permit; the permittee will comply fully with all the terms of all the permit conditions.

*Special Conditions:*

a. You must provide a copy of the permit transmittal letter, the permit form, and drawings to all contractors performing any of the authorized work.

b. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

c. A status report on the mitigation construction, including as-built drawings, and photographs of mitigation installation and as built conditions must be submitted to the Corps, Seattle District, Regulatory Branch and the Central Washington Field Office, Eastern Washington Field Office, 13 months from the date of permit issuance. Annual status reports on mitigation construction are required until mitigation construction is complete.

d. You must implement the ESA requirements and/or agreements set forth in the Biological Evaluation, prepared by Judy Phelps, dated July 30, 2007, in its entirety. The U.S. Fish and Wildlife Service concurred with a finding of 'may affect, not likely to adversely affect' based on this document on January 30, 2008 (USFWS Reference # 13260-2008-I-0034). The USFWS will be informed of this permit issuance and will enforce any known violations of the commitments made in this document pursuant to the ESA.

e. In order to protect bull trout, the permittee may conduct the authorized activities from 1 July through 15 August and 1 December through 15 May, if the work is done in the dry and the lake level is lower than 1094' (NGVD) when the work is performed.

**Further Information:**

1. Congressional Authorities. You have been authorized to undertake the activity described above pursuant to:

(x ) Section 10 of the Rivers and Harbor Act of 1899 (33 U.S.C. 403).

(x ) Section 404 of the Clean Water Act (33 U.S.C. 1344).

( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C 1413).

2. Limits of this authorization.

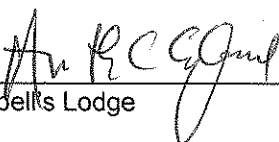
a. This permit does not obviate the need to obtain other Federal, State, or local authorization required by law.

- b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
- a. Damages to the permitted project or uses thereof as a result of other permitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data. The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require include, but are not limited to, the following:
- a. You fail to comply with the terms and conditions of the permit.
  - b. The information provided by you in support of your application proves to have been false, incomplete, or inaccurate (See 4 above).
  - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.


6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

X   
Campbell's Lodge

2/28/08  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
Michael McCormick  
Colonel, Corps of Engineers  
District Engineer

14 MAR 08  
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFeree)

\_\_\_\_\_  
(DATE)



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

January 10, 2008  
REGISTERED MAIL

Campbell's Lodge Inc.  
Post Office Box 278  
Chelan, WA 98816

RE: Water Quality Certification Order 5347 for Corps Public Notice No. NWS 2007-447-CRC, for the placement of an additional 150 cubic yards of riprap on 600 linear feet of existing riprap bank stabilization and existing breakwater; excavate 60 cubic yards of sand from marina boat basin; place 60 cubic yards of excavated sand on swimming beach; place an additional 90 cubic yards of sand in swimming beach area; place 600 square feet of large woody debris structures as mitigation.

Dear Campbell's Lodge Inc.:

On April 11, 2007, Campbell's Lodge Inc., through their authorized agent Don Phelps, submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. The project location is on Lake Chelan at 104 West Woodin, City of Chelan, Chelan County, Washington, Section 13, Township 27N, Range 21 East of the Willamette Meridian, Water Resource Inventory Area (WRIA) Chelan #47.

A public notice for a proposed water quality certification from Ecology was distributed by the U.S. Army Corps of Engineers for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on September 7, 2007.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice complies with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

This letter also serves as the State response to the Corps of Engineers' September 7, 2007 Public Notice.



**IN THE MATTER OF GRANTING A  
WATER QUALITY  
CERTIFICATION TO**

Campbell's Lodge Inc. in accordance  
with 33 U.S.C. 1341 (FWPCA § 401),  
RCW 90.48.120, RCW 90.48.260 and  
Chapter 173-201A WAC

) **ORDER # 5347**  
) **Corps Reference No. NWS 2007-447-CRC**  
) Placement of an additional 150 cubic yards of  
) riprap on 600 linear feet of existing riprap bank  
) stabilization and existing breakwater; excavate  
) 60 cubic yards of sand from marina boat basin;  
) place 60 cubic yards of excavated sand on  
) swimming beach; place an additional 90 cubic  
yards of sand in swimming beach area; place 600  
square feet of large woody debris structures as  
mitigation. The project location is on Lake  
Chelan at 104 West Woodin, City of Chelan,  
Chelan County, Washington

TO: Campbell's Lodge Inc.  
Post Office Box 278  
Chelan, WA 98816

On April 11, 2007, Campbell's Lodge Inc., through their authorized agent Don Phelps, submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A public notice for a proposed water quality certification from Ecology was distributed by the U.S. Army Corps of Engineers for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on September 7, 2007.

The proposed project entails the placement of an additional 150 cubic yards of riprap on 600 linear feet of existing riprap bank stabilization and existing breakwater; excavate 60 cubic yards of sand from marina boat basin; place 60 cubic yards of excavated sand on swimming beach; place an additional 90 cubic yards of sand in swimming beach area; place 600 square feet of large woody debris structures as mitigation. The project location is on Lake Chelan at 104 West Woodin, City of Chelan, Chelan County, Washington, Section 13, Township 27N, Range 21 East of the Willamette Meridian, Water Resource Inventory Area (WRIA) Chelan #47.

**AUTHORITIES:**

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, RCW 90.48.120, and RCW 90.48.260, Ecology has examined this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other applicable state laws; and

8. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
9. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
10. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.
11. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
12. Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000) per violation for each day of continuing noncompliance.

**B. No Further Impairment of Existing Water Quality:**

Certification of this proposal does not authorize the Applicants to exceed applicable state water quality standards (173-201A WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-200 shall apply to this project, unless otherwise authorized by Ecology.

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200 (1)(e)(i). Furthermore, nothing in this certification shall absolve the Applicants from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.
2. Lake Chelan has been identified on the current 303(d) list as exceeding state water quality standards for PCB 1254, PCB 1260, 4,4' DDE. This proposed project shall not result in further exceedances of these standards.

**C. Timing:**

1. This Order is valid until all compliance requirements in this document have been met.

- be protected shall be completed prior to clearing. All project staff shall be trained to recognize construction fencing or flagging that identifies wetland boundaries. Equipment shall not be moved into or operated in wetlands or stream channels that are not authorized to be filled.
3. During clearing and filling at the various project sites, the Applicant shall take all necessary measures to minimize the alteration or disturbance of existing wetland and upland vegetation.
  4. No existing shoreline or lake material (i.e., logs, rocks, gravel, cobbles, woody debris or other lakebed material,) shall be relocated or used as bulkhead armor, as fill, or for any other purposes, except that lakebed material located exactly where the new pilings are to be placed may be relocated.
  5. Dredge spoils will be deposited upland, according to the plans provided to Ecology prior to the start of construction activity. Dredge spoils are not be allowed to enter OHWM or the wetted perimeter of Lake Chelan.
  6. Uncured concrete and concrete by-products shall be completely sealed off from the ordinary high water mark (OHWM) and wetted perimeter of Lake Chelan, totally contained through the use of sealed forms or other leak proof containment systems, and not allowed to contaminate or enter the OHWM or wetted perimeter of Lake Chelan.
  7. All construction debris shall be properly disposed of on land so that it cannot enter a waterway or cause water quality degradation to state waters.
  8. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.
  9. Any wooden pier components, piling, pier support, and other materials composed of pressure treated wood shall be professionally and commercially produced and chemically fixed in accordance with all current best management practices as contained in the Western Wood Preservers Institute's latest edition of "Best Management Practices for the Use of Treated Wood in Aquatic Environments."
  10. No wood, metal, or concrete preservatives, paints, sealers, glues, epoxies, chemicals, or other substances harmful or toxic to fish or shellfish shall be applied to the pier system once it has been placed within or over the OHWM of Lake Chelan.
  11. Clean Fill Criteria: The Applicant shall ensure that fill placed for the proposed project does not contain toxic materials in toxic amounts.

#### **G. Mitigation Requirements:**

- 1 The applicant shall place large woody debris structures consisting of a minimum of ten whole fruit trees, or other WDFW approved tree structures, root wad included, providing approximately 600 square feet of area at a lake level above the 1079' elevation to mitigate for the long term in water impacts associated with the installation of the pier structure.



- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43 21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 - 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
P O. Box 47608  
Olympia, WA 98504-7608

OR

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

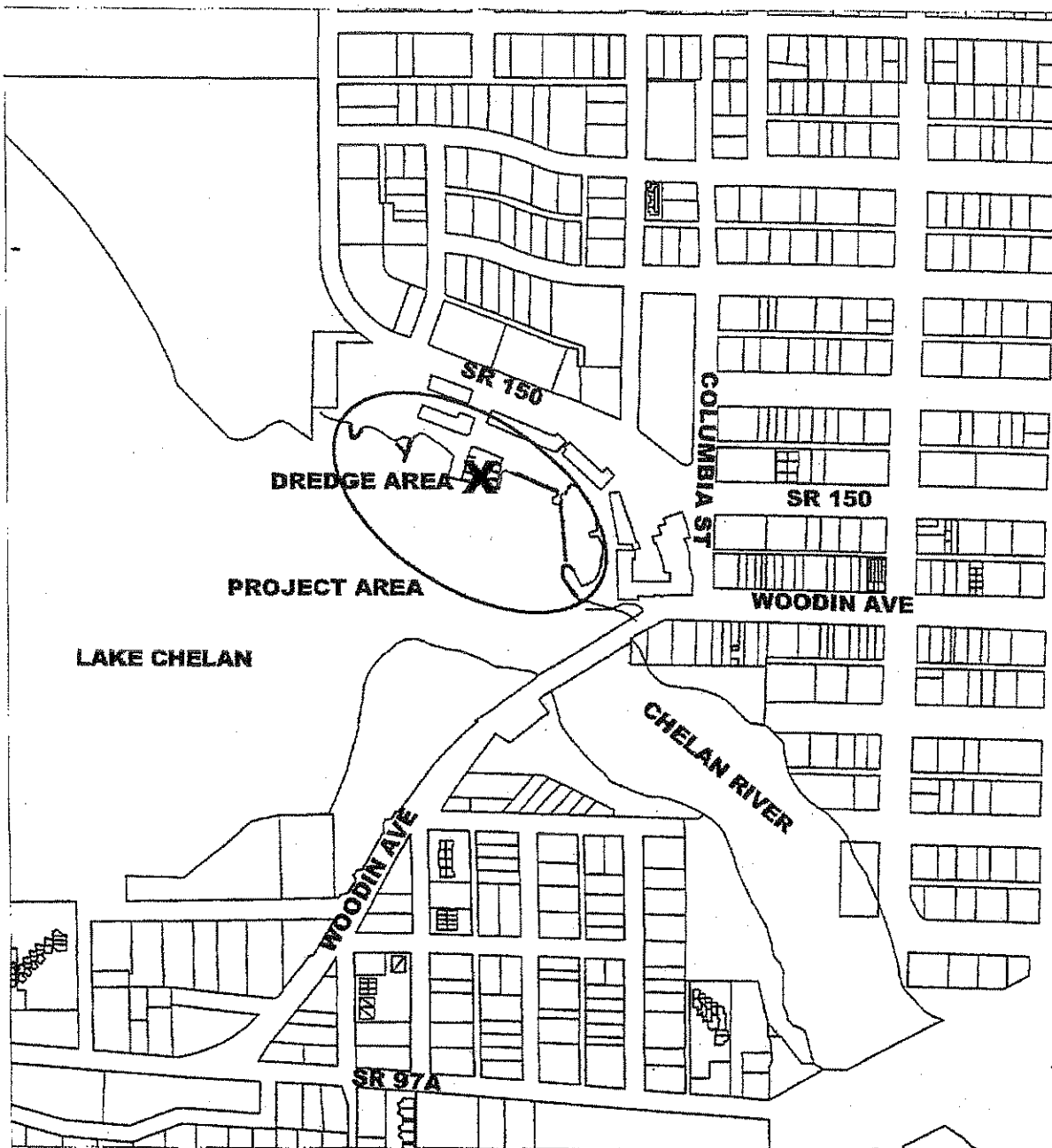
**3. And send a copy of your appeal to:**

Department of Ecology  
Central Regional Office  
Attn: Gary Graff  
15 West Yakima Avenue, Suite 200  
Yakima, WA 98902

For additional information visit the Environmental Hearings Office Website:  
<http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43 21B.320. These procedures are consistent with Ch. 43.21B RCW.



## VICINITY MAP

SCALE 1"=500'

REFERENCE: NWS 2007 447 CRC

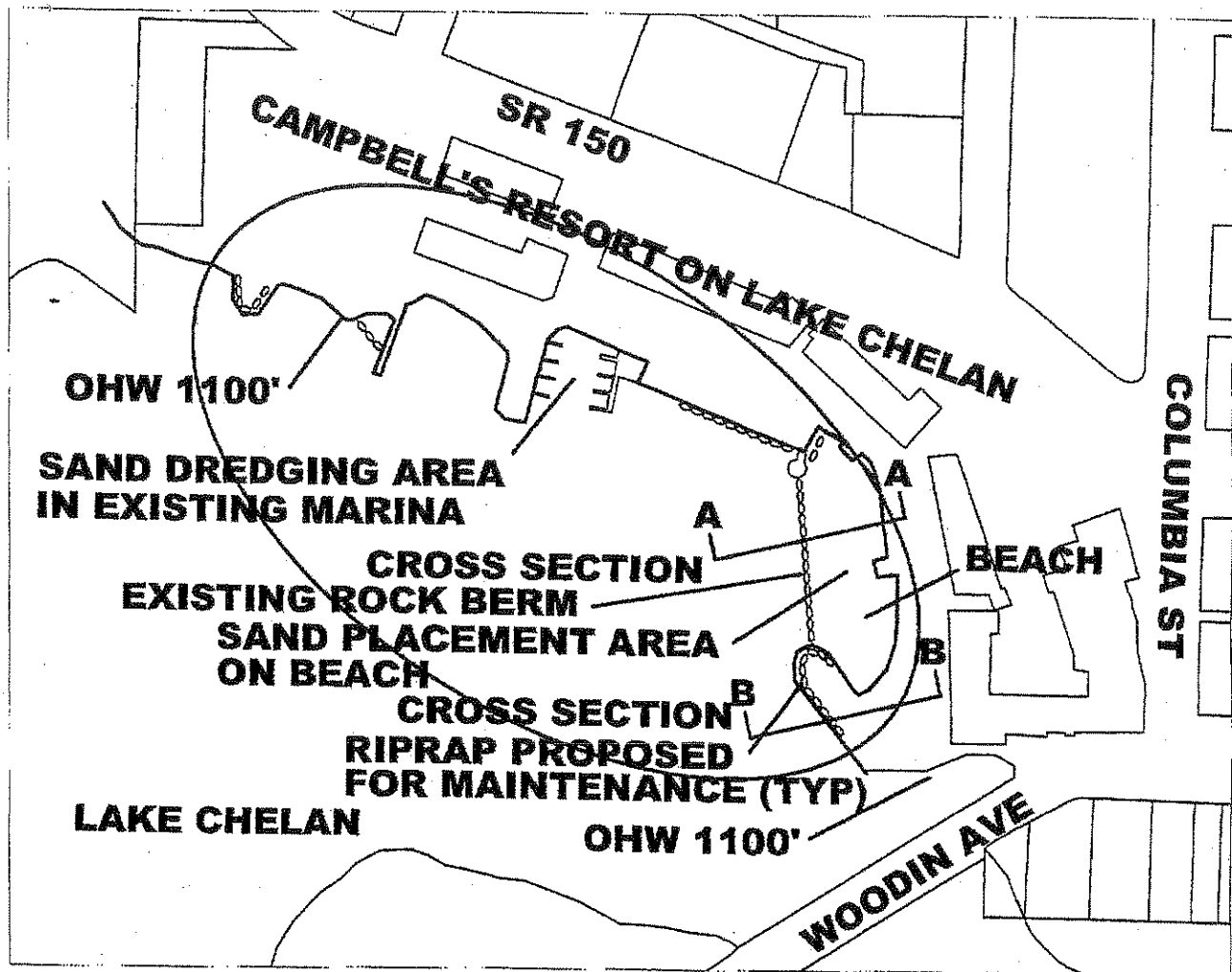
APPLICANT: CAMPBELL'S RESORT

AT: CHELAN WASHINGTON

SHEET: 1/6 DATE: AUG 2007

LAT 47-50-12N LONG 120-01-09W

REV. JAN 2008



**GRAPHIC SCALE**



( IN FEET )

1 inch = 200 ft.

**PROJECT WORK MAP**

REFERENCE: NWS 2007 447 CRC

APPLICANT: CAMPBELL'S RESORT

AT: CHELAN WASHINGTON

SHEET: 2/6 DATE: AUG 2007

LAT 47-50-12N LONG 120-01-09W

REV. JAN 2008

EXISTING SHORELINE

OHWM 1100

REPLENISHMENT SAND

EXISTING ROCK BERM

1094

1090

## CROSS SECTION VIEW A-A

SCALE 1"=50'

REFERENCE: NWS 2007 447 CRC

APPLICANT: CAMPBELL'S RESORT

AT: CHELAN WASHINGTON

SHEET: 3/6 DATE: AUG 2007

LAT 47-50-12N LONG 120-01-09W

REV. JAN 2008

PERMITTED RIPRAP TO BE REFURBISHED

FULL LAKE ELEV = 1100 FT

LAWN AREA

VARIES  
MAX OF 20'

LAKE BED

VARIES  
6' TO 30'

## TYPICAL RIPRAP SECTION

NOT TO SCALE

CROSS SECTION VIEW B-B

REFERENCE: NWS 2007 447 CRC

APPLICANT: CAMPBELL'S RESORT

AT: CHELAN WASHINGTON

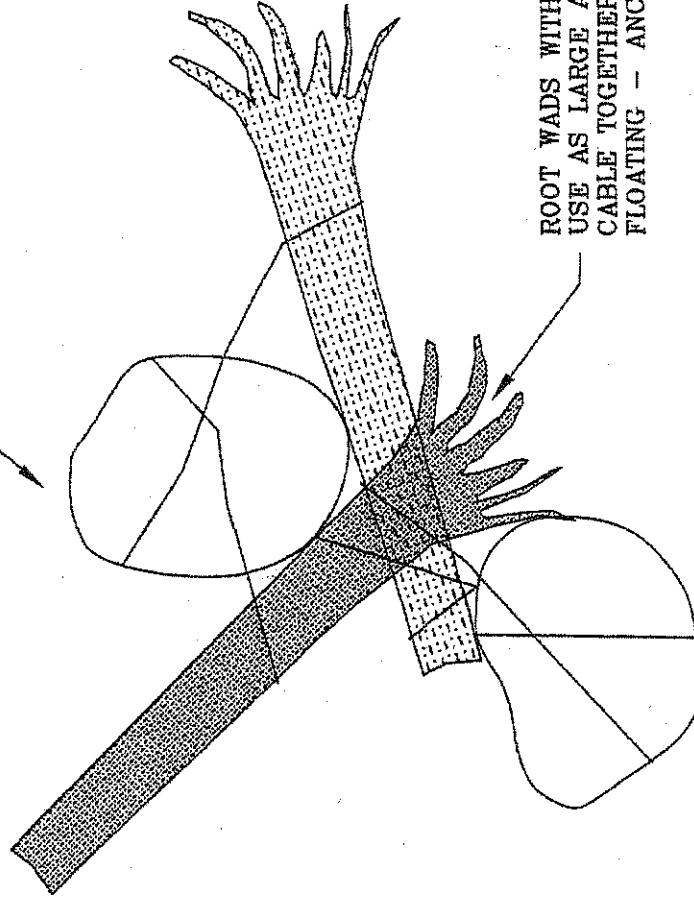
SHEET: 4/6 DATE: AUG 2007

LAT 47-50-12N LONG 120-01-09W

REV. JAN 2008

# TYPICAL COMPLEX LARGE WOODY DEBRIS STRUCTURE

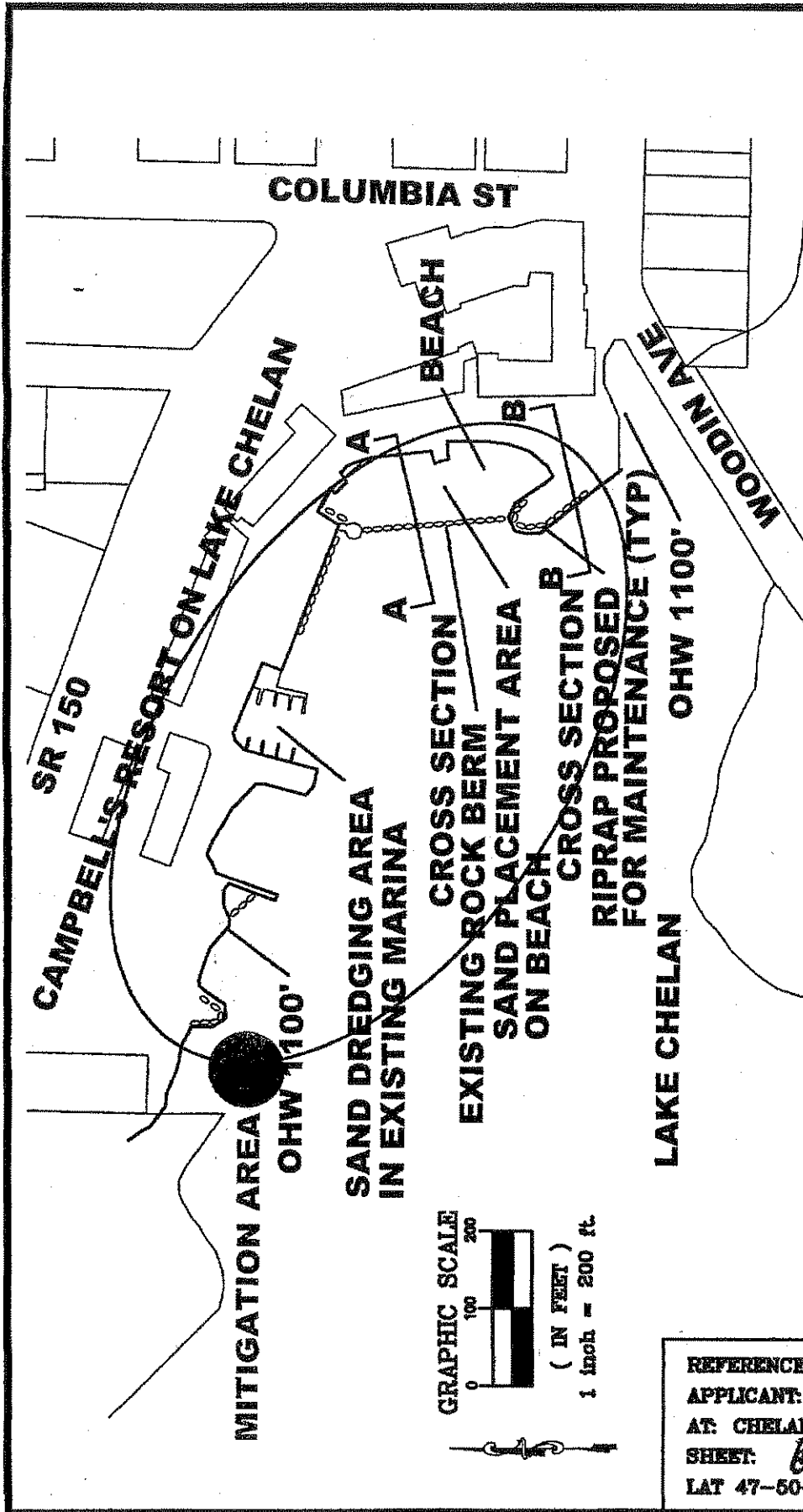
2400 LB BOULDER ANCHORS CABLED  
WITH 5/8" GALVANIZED WIRE ROPE



ROOT WADS WITH TRUNKS ATTACHED  
USE AS LARGE AS ARE AVAILABLE  
CABLE TOGETHER TO PREVENT  
FLOATING - ANCHOR WITH BOULDERS.

REFERENCE NWS 2007 447 CRC  
APPLICANT: CAMPBELL'S RESORT  
AT: CHELAN WASHINGTON  
SHEET: 6/6 DATE: AUG 2007  
LAT 47-50-12N LONG 120-01-09W

REV. JAN 2008



**SUPPLEMENTAL SHEET SHOWING EXISTING MITIGATION AREA PROPOSED FOR ADDITIONAL FISHERIES MITIGATION IN THE AMOUNT OF 600 SQ FEET.**

The proposed riprap will average 4 feet deep by 8 feet high or 32 cu ft (1.2 cu yd) per ft. 150 cu yd/1.2 cu yd/ft = 125 lf. Total mitigation area required/to be provided = 125 \* 4 = 600 sq ft.

REFERENCE: NWS 2007 447 CRC  
 APPLICANT: CAMPBELL'S RESORT  
 AT: CHELAN WASHINGTON  
 SHEET: 6/6 DATE: JAN 2008  
 LAT 47-50-12N LONG 120-01-09W